

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JAMES EUGENE HERMANSON,

Plaintiff,

v.

ISIDRO BACA, *et al.*,

Defendants.

Case No. 3:19-cv-00759-MMD-CLB

ORDER

Plaintiff initiated this action by submitting a civil rights complaint pursuant to 42 U.S.C. § 1983 and an application to proceed *in forma pauperis*. (ECF No. 1-1, 1, 3.) The Court previously screened the original complaint, screened a subsequent first amended complaint, and gave Plaintiff leave to file a second amended complaint. (ECF Nos. 6, 11.) In its last screening order, the Court informed Plaintiff that, if he did not file a second amended complaint within 30 days, the Court would dismiss the entire action with prejudice for failure to state a claim. (ECF No. 11 at 10-11.)

Plaintiff now files a motion for voluntary dismissal. (ECF No. 14.) Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Plaintiff’s motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. This action is dismissed without prejudice.

It is therefore ordered that the motion for voluntary dismissal (ECF No. 14) is granted.

It is further ordered that this action is dismissed in its entirety without prejudice.

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1 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)
2 is denied as moot.

3 It is further ordered that the Clerk of the Court enter judgment accordingly and
4 close this case. No further documents will be filed in this closed case.

5 DATED THIS 22nd day of April 2020.

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9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
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